So that is why the fact-checkers that went through this in September rebutted the allegation that Mr. Martinez was somehow a hard man of the left.

He is an opposition leader, and the proof of that is he had to do something that is very difficult: leave his own native country, leave family behind, be branded a traitor by the very regime that both of us would want to counter, and lose family assets and wealth to the regime.

I mean, do we want him to sacrifice more than that as evidence that he is in opposition to the Maduro regime? Left his country, lost his wealth, been branded a traitor—is that not enough to demonstrate his bona fides as an opponent of the Maduro and Chavez regime?

And with respect to the other claims made by my colleague, he doesn't like the answers that Mr. Martinez gave about faith. He broadens that to suggest that people on the left are against faith.

I resent that. I was a missionary in Honduras for a year in Latin America with Jesuits in 1980 and '81, and I know an awful lot of people on my side of the aisle, some who talk about it a lot and some who may not talk about it, including the Presiding Officer, whose faith is a central and motivating factor in our lives.

So if you don't like an answer that Mr. Martinez gave, that is a good reason, I guess, to vote against him. You have that right. But don't use that as an opportunity to say about everybody over on this side of the aisle, that we have hostility to people of faith. Many of us have sacrificed a lot and acted to do so because of our faith.

Let me soften my request, since my colleague, I understand, would like to vote against Leo Martinez and doesn't like a UC motion that would sort of lump everybody together to advance him.

I would ask unanimous consent that at a time to be determined by the majority leader, the Senate consider the nomination PN1028, Leopoldo Martinez Nucete, to be U.S. Executive Director of the Inter-American Development Bank for a term of 3 years; that the Senate have a vote on that nomination—a debate and vote on that nomination, with Members able to vote no, but with no intervening action; that the motion to reconsider be considered made and laid upon the table, with no further motions be in order with respect to the nomination; that any related statements be printed in the RECORD; and that the President be immediately notified of the Senate's action.

The PRESIDING OFFICER. Is there objection?

The Senator from Texas.

Mr. CRUZ. Mr. President, reserving the right to object. There are a couple of things, but first of all, that nowhere did the Senator from Virginia, in his remarks, dispute in any way, shape, or form the chronology I laid out about the absolute disaster the Biden foreign policy has been in Latin America.

Nowhere did the Senator from Virginia dispute that as a result of Joe Biden undermining our friends and allies, far-left Marxist, anti-American leaders over and over and over again have risen to power, hurting the region and hurting America. That has been a consistent, deliberate pattern to undermine our friends and allies and to elevate vocal enemies of America.

My friend from Virginia also said he did not concede that Mr. Martinez has said that he was a socialist congressman. I believe what I said is he didn't dispute it. But, actually, in saying he didn't concede it, my friend from Virginia perhaps inadvertently did concede it, because he described on the Senate floor how Mr. Martinez Nucete was a member of the Democratic Action Party in Venezuela.

Democratic Action is a party that is formally and officially part of Socialist International. It is a socialist party. And that is one of the factors that I believe renders Mr. Martinez Nucete inappropriate for this nomination.

Let me finally talk about faith. I do not remotely question or doubt the Senator from Virginia's faith and the good faith with which he advocates his positions. He and I served together on the Foreign Relations Committee. I will say an unusual thing about my friend from Virginia. He is virtually alone among Democratic Senators. He will sit and patiently listen to my remarks in public and often in closed classified settings. I am certainly not immune from the senatorial disease of being sometimes long-winded and enjoying the sound of my own voice; although, I will note, I am not the only Member of this body afflicted with that particular disease.

Senator KAINE regularly will sit and listen to my arguments, despite the fact that the topics on which we are debating, he disagrees passionately with me. I try to reciprocate the favor and listen to his arguments, despite the fact that I disagree with many of the things he says. And I know that the Senator from Virginia cares deeply about his faith.

I also lament the rise of explicit hostility to faith among the left in today's Democratic Party. I recall when one Democrat Senator, questioning a nominee in the prior administration, suggested at a hearing that his Christian faith made him unsuitable to serve in the post to which he had been appointed. I recall when another senior Democrat in a confirmation hearing for Justice Amy Coney Barrett said infamously that ''the dogma lives loudly'' in her, by which that Senator meant Justice Coney Barrett's Catholic faith.

There was a time a few decades ago when we had a bipartisan embrace of religious liberty. The Religious Freedom Restoration Act passed this body overwhelmingly with Democratic and Republican support and was signed into law by a Democratic President. Sadly, that Democratic Party no longer exists.

Today's Democratic Party routinely votes in ways directly hostile to people of faith. And I need not look to prior confirmation hearings. I can look to votes on the floor of this Chamber yesterday. Yesterday, in advancing their gay marriage legislation, Democrats stood united against religious liberty. My colleague, Senator MIKE LEE from Utah, introduced an amendment that would protect religious liberty, that would prevent the Biden IRS from targeting for persecution churches and charities and universities and K–through–12 schools that believe marriage is the union of one man and one woman. Every Democrat in this Chamber had the opportunity to vote in favor of religious liberty, and yet the Democrats in this Chamber overwhelmingly voted against protecting religious liberty.

That is a sad development for this body. I wish we were back in the days where the protection of religious liberty was a bipartisan commitment. I hope one day we can return to that time.

Regardless of where today's American Democrats are, Mr. Martinez Nucete has written answers that demonstrated an unusual antipathy to faith, even among nominees in the Biden administration. And for all of these reasons—his antipathy to faith and his history as a socialist congressman in Venezuela—I believe this nominee is inappropriate to represent the United States on this international bank.

Therefore, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. KAINE. Mr. President, I would like to respond, but I am not going to, just to remind my colleague from Texas that the bill we passed yesterday had ample protections for religious liberty that we and Republicans in both Houses have found very acceptable. But my colleague from Rhode Island has been very patient in waiting to take the floor.

I yield the floor.

The PRESIDING OFFICER. The Senator from Rhode Island.

U.S. SUPREME COURT

Mr. WHITEHOUSE. Mr. President, I rise today for the 19th time to discuss the dark money scheme to capture and control our Supreme Court.

These themed speeches have covered a lot of ground, and if they have shown one thing, it is that the capture of the Supreme Court didn't happen overnight. It took years of planning and hundreds of millions in dark money dollars to turn our highest Court into a delivery system for far-right special interests. Slowly but surely, these special interests engulfed our Supreme Court. They set up dark money front groups to help confirm handpicked Justices. They swarmed the Court with flotillas of phony amici curiae to signal to the Justices which way they

wanted them to rule. And they built dark money doctrine factories to pump out fringe legal theories for the Justices to deploy, as they have.

Well, it turns out these weren't the only avenues the right-wing special interests used to influence the Supreme Court. Two weeks ago, the New York Times, building on earlier reporting by Rolling Stone and Politico, reported that during a private dinner with Justice Alito and his wife in 2014, two far-right activists received advance notice about the results of an important reproductive rights case—the Hobby Lobby case.

This was not an ordinary social occasion. Here is what we know:

Over more than two decades, a man named Robert Schenck invested more than $30 million in a private far-right campaign to lobby the Supreme Court. According to Schenck himself, the goal of this campaign was to ''embolden the justices'' to write ''unapologetically conservative opinions,'' to actually influence the text of opinions.

In pursuit of that goal, these activists set up base camp at a building they purchased across the street from the Supreme Court. From there, they slithered into every nook and cranny they could find, getting to know Court employees who could give them special access.

To get close to the Justices themselves, Schenck's operatives gave big donations to the Supreme Court Historical Society, an odd little organization but one that provides high-dollar donors with access to the Justices at private functions. After meeting the Justices at these events, the operatives then set to work ''emboldening'' them. They prayed with the Justices in their private chambers. They arranged for the Justices to meet other far-right activists. Most importantly, Schenck himself said, he encouraged his wealthiest donors ''to invite some of the justices to meals, to their vacation homes, or to private clubs.'' According to Schenck, he ''arranged over the years for about 20 couples to fly to Washington to visit with and entertain'' Justices Thomas, Alito, and Scalia, the three Justices who, in his words, ''proved amenable''—''proved amenable''—to these efforts.

I have spoken before in these scheme speeches about Justices' failures to disclose what they call ''personal hospitality,'' and we have found no disclosure of these dinners, visits, and vacations.

One couple from Ohio, the Wrights, stood out among the operatives in this plan. This couple not only ''financed numerous expensive dinners'' with these Justices at what they call DC hotspots, they secured special seats at the Court reserved for guests of Justices Alito and Scalia. They hosted Justice Scalia for hunting trips at their Ohio retreat, and they wined and dined privately all three of these Justices and their spouses. It was apparently at one of these private dinners with Justice Alito that the couple learned about the decision in the pending 2014 case.

The similarities between that alleged leak and the leak of the Dobbs opinion earlier this year aren't lost on anyone. Both cases involved women's reproductive rights, and both leaked opinions were written by Justice Alito.

But put the leak entirely aside and just look at a plan over 20 years for far-right activists to secretly wine and dine three FedSoc Justices as part of an orchestrated, multimillion-dollar influence campaign. That ain't nothing. And the only reason we learned about it is because the former lead of the operation decided to fess up.

As Slate's Dahlia Lithwick put it last week, ''[t]he real issue is that the justices allowed this to happen, encouraged [it] and rewarded it.''

The day after the Alito Dobbs opinion leaked, Chief Justice Roberts directed the Marshal of the Court to investigate, calling the leak ''a singular and egregious breach of trust that is an affront to the Court and the community of public servants who work here.'' Is a 20-year, $30 million private lobbying operation involving a base of operations, expensive dinners, trips to private retreats, cozying up to Court employees, and potentially another Alito opinion leak not worthy of the same response? Justice Alito denies leaking the results of the 2014 case and says he ''never detected any effort . . . to obtain confidential information to influence anything he did.''

So let's shift from the problems with this cozy, multidecade, multimillion-dollar influence scheme to the problems with the Court's inquiry into it.

The first problem is, no inquiry. The statements from the Court that we have seen have been by the Supreme Court's legal counsel, addressed to Chairman HANK JOHNSON in the House and myself in the Senate. Before the leak stories, Chairman JOHNSON and I had sent a letter to the Court asking it to address this wining-and-dining influence operation and whether any ethics rules were broken. After the leak story broke, we asked the Court to answer similar questions about that story related to the same operation.

The Court's legal counsel sent two letters in response, one that we received right before the leak story broke and one that came in just a couple of days ago.

The first letter omitted to mention a pretty salient fact—the fact that, as we now know, Mr. Schenck had already sent the Chief Justice a letter informing the Court of the influence operation and the leak. They were already on notice.

In a nutshell, the Court's first letter back to us said: ''We have ethics rules.'' Great. It is nice to have ethics rules. But it did not indicate that any inquiry had been made to determine if those ethics rules were violated. And the second letter gave no sign of inquiry, either, seeming to repeat Justice Alito's denials from press stories.

There is a reason in ethics investigations in all three branches of government that questions are asked. The reason is that proper questions and answers help get to the truth and that false statements in that investigation can be punished. A Court lawyer fishing quotes out of newspaper stories just isn't the same thing. It is not an inquiry, not to mention that that response completely ignored the overlay of the $30 million operation and that operation's use of the Supreme Court Historical Society to arrange private meetings with the Justices. It ignored the contemporaneous evidence that Schenck in fact knew the outcome of the case in advance and had acted at that time on that knowledge. The letter was a masterwork in cherry-picking, not a proper inquiry.

The obvious second problem is that with no inquiry, there is obviously no independent inquiry. Independence is the hallmark of proper inquiry, whether by a prosecutor or an inspector general or a congressional ethics committee. An independent inquiry would likely not overlook the many possible ethics problems raised by a $30 million private judicial lobbying campaign involving big donors courting Republican Justices.

One line from this last letter is worth focusing on. Toward the end, the Court lawyer says that ''Justice and Mrs. Alito . . . did not receive any reportable gifts from the Wrights.'' How does the Court's lawyer know that? Did he ask Justice Alito? Do they have a record of that conversation? Did he talk to the Wrights? We don't know the answer to any of these questions because there is no process in place at the Court for conducting these kinds of investigations—no process; no independence; no inquiry.

Let's assume that the substance of the Court's first letter is true: Yes, the Court has an ethics code. But even if the Court ''has'' an ethics code, an ethics code without any provision for a complaint to be delivered, without any provision for inquiry, without any process for enforcement, without any independence, and without any ultimate determination ever being arrived at and reported—that is not an ethics code; that is a wall decoration. Congress understood this point more than 40 years ago when it passed a law mandating a process for Federal courts to receive and investigate misconduct complaints against Federal judges. That law just doesn't apply to the Supreme Court.

So where are we? The Court does not even have a clear place for people to submit ethics complaints. In this case, it took repeated letters from the chairman of Congress's two courts committees, plus a flurry of stories in the press, to get the Court to respond at all. There is no procedure for how or when or whether the Court conducts ethics investigations, and there is no formal process to report any findings of the nonexistent inquiries.

The two essential classes that we recall from law school are civil procedure and criminal procedure. Procedure matters.

A Supreme Court Justice once said:

Procedure is the bone structure of a democratic society.

Procedure is the bone structure of justice, but, forgive me, the Supreme Court is the boneless chicken ranch of judicial ethics. You may remember the Gary Larson ''Far Side'' cartoon of the boneless chicken ranch. That is what we are up against.

A perfect illustration of this problem occurred when Judge Brett Kavanaugh became Justice Brett Kavanaugh. At the time Kavanaugh was elevated to the Supreme Court, he was the subject of 83 complaints for allegedly perjuring himself and for conduct unbecoming of a Federal judge during his confirmation hearings. A panel had been assigned. An inquiry was underway, independent inquiry, to find facts, to investigate those complaints, and that panel had acknowledged that the allegations were ''serious.'' But the investigations about Kavanaugh vanished when he was elevated to the Supreme Court. They weren't concluded. They weren't resolved. They just ended because, with his appointment, Kavanaugh escaped to the accountability-free zone surrounding the Supreme Court.

The $30 million wining-and-dining campaign is just the tip of the iceberg. There are many unanswered and evidently uninvestigated concerns.

We have heard nothing from the Court about whether Justice Thomas violated Federal law by refusing to recuse himself from multiple cases implicating his wife's attempts to overturn the 2020 election.

We have heard nothing from the Court about why the Trump-appointed Justices shouldn't recuse themselves from cases where dark money organizations that spent millions getting them confirmed show up or why those dark money groups shouldn't disclose who is behind them when they show up.

We have heard nothing from the Court about why Justice Scalia took dozens of vacations seemingly paid for by people with interests before the Court without disclosing those trips to the public under the Court's disclosure rules.

We have heard nothing from the Court about why it is appropriate for Justice Alito to make political statements about world leaders, as he did in Rome earlier this year, or show up at Federalist Society pep rallies.

Now, I know I have been very persistent about this, but I am not alone in this regard.

The four recent articles, first, ''The Supreme Court has lost its ethical compass. Can it find one fast?'' by the respected Ruth Marcus, editorial page, Washington Post editor, is at https://www.washingtonpost.com/opinions/2022/11/22/supreme-court-ethics-alito-ginni-thomas/; second, ''Confidence in the Supreme Court is cratering. It needs to adopt a code of ethics,'' by the editorial board of the Globe, is at https://www.bostonglobe.com/2022/11/29/opinion/supreme-court-facing-crisis-confidence-must-be-more-transparent/; third, ''The Real Problem With the Second Alleged Leak at the Court,'' the article by Dahlia Lithwick in Slate, is at https://slate.com/news-and-politics/2022/11/alito-leak-hobby-lobby-real-problem.html; and finally, the respected Linda Greenhouse's article in the Atlantic magazine, ''WHAT IN THE WORLD HAPPENED TO THE SUPREME COURT?'', at https://www.theatlantic.com/ideas/archive/2022/11/supreme-court-dobbs-conservative-majority/672089/.

It is well past time for the Supreme Court to join every other court in the land in adopting a real code of ethics, with procedures that are fair and transparent. Justices should disclose the same gifts and travel that other Federal officials are required to disclose, like in the legislative branch and in the lower courts.

And the Court should shine a light on the real interests behind phony amici curiae flotillas that show up there, just like we require lobbyist disclosure. The Justices ought to explain their recusal decisions to the public with a process to help enforce our Federal recusal laws.

And the guiding principle in all of this should be a rule so old it is in Latin: Nemo judex in sua causa—no one should be a judge in their own cause.

Is it too late to trust the Court that dark money built to take these steps on its own? Is our Supreme Court too permeated with special interest influence to restore itself?

If so, that means it is up to Congress. We can accomplish a lot by passing the bill Congressman HANK JOHNSON and I drafted, the Supreme Court Ethics, Recusal, and Transparency Act. And in the meantime, we will continue to pursue oversight, including oversight of these latest troubling allegations.

The people of the country deserve real answers from Justices we trust to wield the power of the highest Court in the country. We won't give up until we have those answers. So across the street over there, they had better get used to it.

To be continued.

I yield the floor.

The PRESIDING OFFICER. The Senator from Colorado.

CLUB Q SHOOTING

Mr. HICKENLOOPER. Mr. President, I had hoped to come to the floor to celebrate the passage of the Respect for Marriage Act, a bipartisan vote to give same-sex couples equal protection under the law. I hoped we could reflect on how far we have come.

But instead, a little over a week ago, we were reminded how much remains to be done, how far we have slid back. On Saturday, November 19, a shooter walked into Club Q, an LGBTQ haven in Colorado Springs, and killed five innocent people—five people in a space where everyone is empowered to be who they are, to live as themselves, and to do so without fear. Unfortunately, that was taken away.

It is hard not to see this shooting in the context of a rise in hate speech toward the LGBTQ community and a rise in using the community as a literal target to score cheap political points. The entire LGBTQ community has been demonized, slandered, and defamed by politicians and public figures.

Three hundred forty-four laws have been introduced across the country attacking the community. We have seen a resurgence of old tropes and falsehoods and a fixation on drag shows and drag queens, with baseless claims of their danger to children.

According to the Human Rights Campaign, during the last election alone, $50 million worth of anti-LGBTQ ads were run—at best, spreading misinformation; at worst, fueling the flames of hate.

And on November 19, the Colorado Springs LGBTQ community paid for that hate. They paid with their lives. The shooter walked in during a drag show, no less, and started shooting indiscriminately. Several patrons—Richard Fierro and Thomas James among them—ran toward the shooter and wrestled him to the ground, saving countless lives. Helping Richard and Thomas was a drag queen who attacked the shooter with her heels—a drag queen, a supposed danger to children everywhere, courageously fighting for her life and the lives of everyone in that bar.

We should be past this. We should all be past this. A clear majority of Americans support same-sex marriage, including a majority of young Republicans. At its core, our country is about individual freedom—freedom to be the person you want to be, to live the life you choose to live, however you choose to do it, so long as it doesn't infringe on others. No one in Club Q was doing anything—not a single thing—that harmed or infringed in any way with the rights of anyone else.

There are many conversations that we need to have about guns, about red flag laws, and about protecting the LGBTQ community. We also need to talk about the extremism terrorizing our country. A few loudmouths have set their sights on some of the most vulnerable among us and decided to make them out to be the root of all their problems. So who can be surprised that someone out there decided to walk into a drag show with a gun and just start shooting?

It doesn't have to be this way. The Respect for Marriage Act was unthinkable not so long ago, as were openly gay Senators, Cabinet Secretaries, or judges. Stonewall wasn't just in our lifetimes; it is a living memory.

But we learn. We learn. We keep moving forward because it is hard to demonize someone when it is your sibling or your child or your best friend.